

SENATE BILL 1142
By Haun

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1305, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) It is an offense for a person to possess a firearm in any part of a building which is open to the public and in which alcoholic beverages are served if the owner or manager of such building has prominently posted in writing at each public entrance thereto a notice in English that firearms are prohibited therein.

SECTION 2. Tennessee Code Annotated, Section 39-17-1305(c), is amended by adding a new subdivision thereto, as follows:

() Otherwise lawfully carrying the firearm pursuant to applicable state law if that person is not consuming alcohol or under the influence of alcohol;

SECTION 3. Tennessee Code Annotated, Section 39-17-1307(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) A person commits an offense who carries with criminal intent a:

(A) Handgun;

(B) Knife with a blade exceeding four inches (4"); or

(C) Club.

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SECTION 4. Tennessee Code Annotated, Section 39-17-1308(a)(2), is amended by adding the language “or § 39-17-1351” to the end thereto.

SECTION 5. Tennessee Code Annotated, Section 39-17-1309(e), is amended by adding the following language as a new subdivision thereto:

() Persons authorized to possess or carry a handgun pursuant to § 39-17-1351;

SECTION 6. Tennessee Code Annotated, Section 39-17-1311(b), is amended by adding a new subdivision thereto, as follows:

() Persons authorized to possess or carry a handgun pursuant to § 39-17-1351;

SECTION 7. Tennessee Code Annotated, Section 39-17-1316(a)(1), is amended by deleting the language “of the illegal sale of alcoholic beverages” and by substituting instead the language “of the sale of illegal alcoholic beverages”.

SECTION 8. Tennessee Code Annotated, Section 39-17-1322, is amended by adding the following language to the end thereto:

A person whose possession or use of a handgun is protected from criminal prosecution under this section shall not thereafter be denied a handgun carry permit because of such unpermitted possession or use.

SECTION 9. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding a new section thereto, as follows:

Any license or permit issued by the federal government or any other state shall be recognized pursuant to the terms of such license or permit if the holder of such license or permit is not a resident of Tennessee. Any person moving into Tennessee who has a valid firearms permit from another state shall have one hundred twenty (120) days from the date of moving into Tennessee to apply for a firearms carry permit pursuant to § 39-17-1351. An applicant with a valid firearms permit from another state who applies for a firearms carry permit in Tennessee within one hundred twenty (120) days may carry a firearm until the application for a firearms permit is denied. A person

carrying a firearm pursuant to this section shall possess a valid firearms permit from another state and a receipt for the application for a firearms carry permit in Tennessee.

SECTION 10. Tennessee Code Annotated, Section 39-17-1316(c), is amended by adding a new subdivision thereto, as follows:

() The fifteen-day waiting period does not apply to transactions between licensed dealers and persons who have a valid handgun carry permit pursuant to § 39-17-1351.

SECTION 11. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the first sentence of subsection (c).

SECTION 12. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) Upon receiving the application, the department shall make a reasonable effort to ascertain whether the applicant is prohibited from purchasing or possessing a firearm in this state. Such reasonable effort shall not require the department to perform any check other than a computerized records search in whatever state recordkeeping systems are available and in the national crime information center.

SECTION 13. Tennessee Code Annotated, Section 39-17-1351, is further amended by deleting subsection (j) and by substituting instead the following:

(j) The department shall issue a permit to an applicant not otherwise prohibited from obtaining a permit under this section no later than thirty (30) days after the date that the department receives the application.

SECTION 14. Tennessee Code Annotated, Section 39-17-1351, is further amended by deleting subsection (e) in its entirety and by substituting instead the following:

(e) The department shall distribute and accept applications for permits at all locations where the department conducts driver license examinations.

SECTION 15. Tennessee Code Annotated, Section 39-17-1351(l), is amended in the first sentence by deleting the word “handgun(s)” and by substituting instead the word

“firearm(s)”; and in the second sentence by deleting the word “handgun” and by substituting instead the word “firearm”.

SECTION 16. (a) Tennessee Code Annotated, Section 39-17-1359, is amended by deleting such section in its entirety and by substituting instead the following:

(a) An individual, corporation, business entity or local, state or federal government entity or agent thereof is authorized to prohibit the possession of weapons by any person otherwise authorized by §§ 39-17-1351 -- 39-17-1360, at meetings conducted by, or on premises owned, operated, managed or under control of such individual, corporation, business entity or government entity. Notice of such prohibition shall be posted. Such notice shall be displayed in prominent locations, including all public entrances, shall be in English, and shall be at least six inches (6”) high and fourteen inches (14”) wide, stating:

PURSUANT TO T.C.A. § 39-17-1359, THE OWNER/OPERATOR OF THIS PROPERTY HAS BANNED WEAPONS WITHIN THIS BUILDING OR THIS PORTION OF THIS BUILDING. A VIOLATION OF THIS PROHIBITION IS PUNISHABLE AS A CRIMINAL ACT UNDER STATE LAW AND MAY BE SUBJECT TO A FINE OF NOT MORE THAN \$500.

(b) Nothing in this section shall be construed to alter, reduce or eliminate any civil or criminal liability that a property owner or manager may have for injuries arising on their property.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.

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